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Appl. No.:	10/771,798	Confirmation No.: 3348
Applicant(s):	Terrell B. Jones et al.	
Filed:	February 4, 2004	
Art Unit:	3661	
Examiner:	Nguyen, Cuong H.	
Title:	PROCESS TO GRAPHICALLY DISPLAY TRAVEL INFORMATION ON A MAP IN ELECTRONIC FORM	

Docket No.:   043474/258903
Customer No.: 00826

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Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL
(PATENT APPLICATION – 37 C.F.R. § 41.37)

1.   Transmitted herewith is the APPEAL BRIEF in this application, with respect to the
      Notice of Appeal filed on November 15, 2006.

2.   ☐ Applicant claims small entity status.

3.   Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:
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                                        Respectfully submitted,

                                        /jason o. piche/

                                        Registration No. 53,468

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

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APPEAL BRIEF UNDER 37 CFR §41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed November 15, 2006.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Travelocity.com LP, the assignee of the above-referenced patent application.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application or its subject matter.

3. ***Status of Claims.***

Claims 1-40 are pending in the application and all claims stand rejected as unpatentable over a combination of prior art references as set forth in greater detail below. The prior art rejection of all pending claims is appealed herein.

4. ***Status of Amendments.***

All claim amendments presented during prosecution were entered and are set forth in the clean copy of the pending claims appended to the brief. Claims 1, 7 and 8 have been amended once during prosecution. Claims 2-6 and 9-25 are original as-filed claims. Claims 26-40 were added during prosecution.

5.   ***Summary of Claimed Subject Matter.***

The present application discloses a system and method for graphically displaying travel information on an electronic map within a network environment. More particularly the present application discloses system and method steps comprising: (i) providing a network for transmitting and receiving information among information providers; (ii) receiving an information request based on a flexible set of user-defined travel related criteria; (iii) processing the information request to initiate at least one inquiry based on the information request from a plurality of data tables developed from a database; (iv) receiving at least one response to at least one inquiry; (v) processing at least one response to determine a reply that is responsive to the information request, and (vi) providing a response including an electronic map overlay. *See* Specification, page 16, lines 1-10, Abstract.

Independent Claim 1 recites a method for graphically displaying travel information on an electronic map within a network environment. Specifically, the method recited in Claim 1 comprises a step for receiving an information request based on a flexible set of user-defined travel related criteria from a client. *See* Specification, page 9, lines 20-23 and Figure 4, elements 402 and 404. Claim 1 further recites a step for processing the information request to initiate at least one inquiry based on the information request and collecting a plurality of responses from an information server (*see* Figure 1, element 112), which gathers information from at least one remote server (*see* Figure 1, element 118), to determine a solution set to the information request. *See* Specification, page 9, lines 24-27 and Figure 4, elements 406 and 408. Claim 1 further recites that the solution set includes at least one pair of airports and at least one associated airfare for travel between the at least one pair of airports. *See* Specification page 8, lines 17-19 and Figure 5. Finally, Claim 1 recites a step for rendering the solution set unto an electronic map overlay for transmission to the client. *See* Specification, page 10, lines 13-17 and Figure 5.

Independent Claim 7 recites a system for distributing travel information in a network, wherein the recited system comprises means for providing a travel information request (*see, e.g.* Figure 1, elements 102 and 104) and means for means for processing the travel information request to generate an inquiry (*see, e.g.* Figure 1, element 112). Claim 7 further recites means for collecting a plurality of responses from an information server (*see, e.g.* Figure 1, element 112), which gathers information from at least one remote server (*see* Figure 1, element 118), to determine a solution set to the travel information request. As in Claim 1, the recited solution set includes at least one pair of airports and at least one associated airfare for travel between the at least one pair of airports. *See* Specification page 8, lines 17-19 and Figure 5. Finally, Claim 7 further recites means for processing the solution set to obtain a reply to the travel information request, processing the solution set including rendering the solution set unto an electronic map overlay.

Independent Claim 8 recites a travel information system comprising a request manager for receiving information from information providers to store in a database, wherein the request manager is capable of processing an information request to initiate at least one inquiry related to the information from the database. *See* Specification, page 7, lines 8-9 and Figure 3, element 304. Claim 8 further recites a plurality of data tables developed from the database, which contain a plurality of responses collected from an information server, which gathers information from at least one remote server, to determine a solution set responsive to the at least one inquiry. *See* Specification, page 7, lines 20-24, and Figure 3, elements 312 and 316. As recited in Claims 1 and 7, the recited solution set includes at least one pair of airports and at least one associated airfare for travel between the at least one pair of airports. *See* Specification, page 7, lines 22-24. Finally, Claim 8 also recites a client capable of displaying an electronic map upon which the solution set is overlaid. *See* Specification, page 8, lines 20-23, and Figure 3, element 308.

Independent Claim 14 recites a method for providing travel information, comprising steps for: receiving a request including a departure location (*see* Specification, page 9, lines 20-23 and Figure 4, elements 402 and 404); generating a map including a set of points corresponding to the

departure location and any airports having carrier service from the departure location to another location (*see generally*, Figure 5); and transmitting the generated map (*see* Figure 4, step 416).

Independent Claim 22 recites a method for a user to obtain travel information comprising steps for: entering a request including a departure location (*see* Figure 4, element 402); and receiving a map generated to include a set of points corresponding to the departure location and any airports having carrier service from the departure location to another location (*see* Figure 4, elements 414-418 and Figure 5).

6.   ***Grounds of Rejection to be Reviewed on Appeal.***

Claims 1-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,498,982 to Bellsfield et al. ("Bellsfield") in view of U.S. Patent No. 5,948,040 to DeLorme et al. ("DeLorme").

The Final Official Action indicates that Bellsfield suggests steps/components for: receiving/providing a specific information request according to the user; processing the information request to initiate an inquiry and collecting responses from a server which gathers information from a remote server to determine a solution set to the information request; and rendering the solution set in an electronic map for transmission to a user. The Final Official Action further indicates that Bellsfield "does not explicitly disclose that 'solution set' includ[es] an airport/city, a travel fee, and a travel distance. However, the Final Official Action further indicates that DeLorme suggests that "travel 'solution set'/package" is disclosed in the Abstract of DeLorme by the terms: "WHERE? – airport/city/point-of-interest, WHAT? – airplane, WHEN? and HOW? and time and cost of that corresponding travel." The Final Official Action further indicates that "it would have been obvious to one skilled in the art at the time of the invention to include an airport in Bellsfield's invention as DeLorme's suggestion of WHAT? WHERE? in Internet searching in order to get a travel plan and using selected one as a destination/point of interest; for the advantage of linking different digital computers with database in servers via modem for remote accessibility, and for flexible selection as desired."

7.   ***Argument.***

Claims 1-40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,498,982 to Bellsfield et al. ("Bellsfield") in view of U.S. Patent No. 5,948,040 to DeLorme et al. ("DeLorme").   In response, Applicants submit that Examiner's rejections of pending Claims 1-40 under 35 U.S.C. §103(a) are improper for the various reasons presented below.

Briefly, Bellsfield discloses an automated travel planning apparatus and method that includes a map database, a routing database and a places of interest database. In operation, upon receipt of a selected geographic region, the apparatus displays a bit-mapped image of the region from images in the map database. A user then selects a departure and destination point, and the routing database is used to generate a route between the selected departure and destination points. Also, if the user requests a list of places of interest near the route, the places of interest database can be utilized to generate a list of places of interest that are within a predetermined distance of the generated route.

DeLorme discloses a travel reservation information and planning system and method. According to the method, users engage in a planning process for travel between an origin and destination via a number of intermediate waypoints. DeLorme allows users to plan, revise or edit travel plans, as well as preview alternate routes, select points of interest, and compare times and costs of transportation options such that the users can achieve a final travel plan. For example, the system can facilitate a user planning a trip having a known travel destination as well as a date/time of arrival at the destination around which to build the trip.

It is respectfully submitted that Claims 1-40 are patentable over Bellsfield and DeLorme because the Examiner has failed to establish a *prima facie* case of obviousness in rejecting independent Claims 1, 7, 8, 14 and 22 (and claims depending therefrom). First, Bellsfield and DeLorme, alone or in combination, <u>do not teach or suggest all the claim limitations</u> of Claims 1, 7, 8, 14 and 22. Second, <u>there is no suggestion or motivation</u> in the cited references or in the knowledge available to one of ordinary skill in the art, <u>to combine the teachings</u> of Bellsfield and DeLorme.

I.   **The Examiner has failed to show that the cited references teach or suggest all of the claim limitations of the rejected claims, as required by MPEP 2143.03**

In contrast to independent Claim 1 (and independent Claims 7 and 8), it is submitted that neither Bellsfield nor DeLorme, taken individually or in combination, teach or suggest rendering a solution set unto an electronic map overlay for transmission to a client, the solution set including one or more pairs of airports and one or more fares for travel therebetween as specifically recited in each of independent Claims 1, 7, and 8. Furthermore, neither Bellsfield nor DeLorme, taken individually or in combination, teach or suggest generating a map including a set of points corresponding to the departure location and any airports having carrier service from the departure location to another location, as recited by independent Claim 14, and similarly by independent Claim 22. In fact, the Examiner admits as much with respect to Bellsfield. Nonetheless, the Examiner alleges that DeLorme discloses these features of the claimed invention, and that it would have been obvious to one skilled in the art to modify Bellsfield to include these features of DeLorme. As motivation, the Examiner alleges that such a combination provides the advantage of linking different digital computers, as well as providing travel materials such as airline tickets, POI displays, hotels, restaurant coupons and tickets.

Contrary to the interpretation of DeLorme proffered by the Final Official Action, we note that DeLorme does not teach or suggest rendering pair(s) of airports and airfare(s) for travel therebetween unto an electronic map, as recited by each of the independent Claims 1, 7, 8, 14 and 22. DeLorme appears to disclose calculating a cost associated with a particular travel arrangement, and comparing the costs of the particular travel arrangement with those of alternative travel arrangements. DeLorme also appears to disclose displaying on a map a travel origin, destination and any intermediate waypoints therebetween.   However, DeLorme does not teach or suggest rendering an electronic map that includes the airfare(s) for travel between pair(s) of airports.

Thus, for at least the reasons set forth above, it is respectfully submitted that the Examiner has failed to show that the cited references teach or suggest all of the claim limitations of the rejected claims, as required by MPEP 2143.03.

II.   **The Examiner has failed to show the requisite motivation or suggestion in the**
        cited references, as required by MPEP 2143.01, for modifying the references.

        The cited Bellsfield and DeLorme references cannot properly be combined in an attempt
to obviate the claimed invention as the requisite motivation or suggestion to make such a
combination is lacking. In this regard, one skilled in the art would not have been motivated to
combine Bellsfield and DeLorme, except as a result of the impermissible application of
hindsight. In order to properly combine references, a teaching or motivation to combine the
references is essential. *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988). In fact, the Court of
Appeals for the Federal Circuit has stated that "[c]ombining prior art references without evidence
of such a suggestion, teaching, or motivation simply takes the inventor's disclosure of a blueprint
for piecing together the prior art to defeat patentability – the essence of hindsight." *In re
Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Although the evidence of a suggestion,
teaching or motivation to combine the references commonly comes from the prior art references
themselves, the suggestion, teaching or motivation can come from the knowledge of one of
ordinary skill in the art or the nature of the problem to be solved. *Id.* In any event, the showing
must be clear and particular and "[b]road conclusory statements regarding the teaching effort of
multiple references, standing alone, are not 'evidence.'" *Id.*

        As stated in MPEP § 2143.01, "the mere fact that references can be combined or
modified does not render the resultant combination obvious unless the prior art also suggests the
desirability of the combination." MPEP § 2143.01 (citing *In re Mills*, 916 F.2d 680 (Fed. Cir.
1990)). In addition, as has been held by the Board of Patent Appeals and Interferences, and
noted in the MPEP, the mere fact that one skilled in the art could adapt the reference device to
meet the terms of a claim is not by itself sufficient to support a finding of obviousness. The prior
art or the general knowledge of one skilled in the art must also provide a motivation or reason for
one skilled in the art, without the benefit of applicant's specification, to make the necessary
modifications to the reference device. MPEP 2144.04(VI.)(C.) (*citing Ex parte Chicago
Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).

In the present situation, it is submitted that there is nothing in the Bellsfield or DeLorme references, or in the general knowledge of one skilled in the art to provide motivation or suggestion to combine the teachings of the cited references. As motivation to combine the references, the Examiner alleges that such the proposed combination of Bellsfield and DeLorme provides the advantage of linking different digital computers, as well as providing travel materials such as airline tickets, POI displays, hotels, restaurant coupons and tickets. However, it is submitted that even if DeLorme did disclose displaying on a map airfares between pairs of airports, one skilled in the art would not be motivated to modify Bellsfield to include this feature, particularly since Bellsfield is directed primarily to ground travel and generating routes between selected locations. Therefore, it is submitted that Bellsfield actually teaches away from combining the teachings of Bellsfield and DeLorme.

Applicants therefore respectfully submit that independent Claims 1, 7, 8, 14, 22 and by dependency Claims 2-6, 9-13, 15-21, and 22-40, are patentably distinct from Bellsfield and DeLorme, taken individually or in combination. In view of the foregoing, Applicants respectfully submit that the rejection of Claims 1-40 as being unpatentable over Bellsfield in view of DeLorme is overcome.

8.   ***Claims Appendix.***

The Claims Appendix, attached hereto, includes a clean copy of pending Claims 1-40.

9.   ***Evidence Appendix.***

No evidence has been submitted to the Examiner or relied upon by the Applicant.

10.   ***Related Proceedings Appendix.***

There are no decisions by a court or the Board in related proceedings.

CONCLUSION

In summary, Bellsfield and DeLorme, alone or in any proper combination, do not teach, suggest, or provide motivation for the embodiments of the present invention, as claimed in

Claims 1, 7, 8, 14, 22 and the claims depending therefrom. Accordingly, it is submitted that the present invention, as defined by the pending claims, is patentable over the references cited by the Final Office Action mailed August 16, 2006. Accordingly, a decision from the Board of Patent Appeals and Interferences reversing the final rejection of the pending claims is earnestly solicited.

Respectfully submitted,

/jpiche/

Jason O. Piché
Registration No. 53,468

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

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CLAIMS APPENDIX

1.   (Previously Presented) A method for graphically displaying travel information on an electronic map within a network environment, the method comprising the steps of:

receiving an information request based on a flexible set of user-defined travel related criteria from a client;

processing the information request to initiate at least one inquiry based on the information request and collecting a plurality of responses from an information server, which gathers information from at least one remote server, to determine a solution set to the information request, wherein the solution set includes at least one pair of airports and at least one associated airfare for travel between the at least one pair of airports; and

rendering the solution set unto an electronic map overlay for transmission to the client.

2.   (Original) The method of claim 1, wherein the plurality of response is provided from at least one of a server and a mainframe computer system.

3.   (Original) The method of claim 1, wherein the flexible set of user-defined travel related criteria is input by a human being on the client and pre-selected at least in part by topic by the client.

4.   (Original) The method of claim 1, wherein processing the information request includes parsing the information request into a plurality of inquiries for querying a plurality of data tables.

5.   (Original) The method of claim 1, wherein the at least one inquiry is directed to a plurality of data tables generated from a database of information received from at least one of a plurality of information providers.

6.   (Original) The method of claim 1, wherein transmitting the electronic map overlay includes directing the solution set to the user that posed the information request.

7.   (Previously Presented) A system for distributing travel information in a network, the system comprising:

means for providing a travel information request;

means for processing the travel information request to generate an inquiry;

means for collecting a plurality of responses from an information server, which gathers information from at least one remote server, to determine a solution set to the travel information request, wherein the solution set includes at least one pair of airports and at least one associated airfare for travel between the at least one pair of airports; and

means for processing the solution set to obtain a reply to the travel information request, processing the solution set including rendering the solution set unto an electronic map overlay.

8.   (Previously Presented) A travel information system, comprising:

a request manager for receiving information from information providers to store in a database, wherein the request manager is capable of processing an information request to initiate at least one inquiry related to the information from the database;

a plurality of data tables developed from the database, which contains a plurality of responses collected from an information server, which gathers information from at least one remote server, to determine a solution set responsive to the at least one inquiry, wherein the solution set includes at least one pair of airports and at least one associated airfare for travel between the at least one pair of airports; and

a client capable of displaying an electronic map upon which the solution set is overlaid.

9.   (Original) The travel information system of claim 8, wherein at least one inquiry is directed to the data table selected from a group of data tables containing airfare, airfare availability; weather conditions, event schedules, points of interest, and lodging information.

10.   (Original) The system of claim 8, wherein the information server receives information from mainframe computer systems.

11.   (Original) The system of claim 8, wherein the information request is input by a human being on a client computer and is pre-selected at least in part by topic by the client.

12.   (Original) The system of claim 8, wherein the information request is parsed into a plurality of inquiries for querying the plurality of data tables.

13.   (Original) The system of claim 8, wherein the information request is directed to the plurality of data tables generated from the database of information received from information providers.

14.   (Original) A method for providing travel information, comprising:

receiving a request including a departure location;

generating a map including a set of points corresponding to the departure location and any airports having carrier service from the departure location to another location; and

transmitting the generated map.

15.   (Original) The method of claim 14, wherein the step of receiving the request includes specifying a location of interest and a distance range in proximity to the location of interest.

16.   (Original) The method of claim 14, wherein the step of receiving the request includes specifying a dollar limit.

17.   (Original) The method of claim 16, wherein the step of receiving the request includes specifying a number of travelers that will depart from the departure location.

18.   (Original) The method of claim 14, wherein the generating step includes accessing a database for a geocode corresponding to a destination of interest.

19.   (Original) The method of claim 18, wherein the generating step includes accessing a database for a plurality of city pairs and a lowest available fare associated with each of the plurality of city pairs.

20.   (Original) The method of claim 18, wherein the generating step includes querying the database with the geocode corresponding to a destination of interest to determine all airports and other locations within a specified range of the geocode.

21.   (Original) The method of claim 14, wherein the generating step includes retrieving information from information providers and storing the retrieved information in a searchable database.

22.   (Original) A method for a user to obtain travel information, comprising:
        entering a request including a departure location; and
        receiving a map generated to include a set of points corresponding to the departure location and any airports having carrier service from the departure location to another location.

23.   (Original) The method of claim 22, wherein the step of entering the request includes specifying a dollar limit.

24.   (Original) The method of claim 23, wherein the step of entering the request includes specifying a number of travelers that will depart from the departure location.

25.   (Original) The method of claim 22, wherein the step of entering the request includes specifying a location of interest and a specified distance range in proximity to the location of interest.

26.   (Previously Presented) The method of claim 1, wherein the step of receiving the information request includes specifying a location of interest and a distance range in proximity to the location of interest.

27.   (Previously Presented) The method of claim 1, wherein the step of receiving the information request includes specifying a dollar limit.

28.   (Previously Presented) The method of claim 27, wherein the step of receiving the information request includes specifying a number of travelers that will depart from the departure location.

29.   (Previously Presented) The method of claim 1, wherein the processing step includes accessing a database for a geocode corresponding to a destination of interest, the destination of interest being associated with an airport.

30.   (Previously Presented) The method of claim 29, wherein the processing step includes accessing a database for a plurality of city pairs and a lowest available fare associated with each of the plurality of city pairs, each city of a city pair being associated with an airport.

31.   (Previously Presented) The method of claim 29, wherein the processing step includes querying the database with the geocode corresponding to a destination of interest to determine all airports and other locations within a specified range of the geocode.

32.   (Previously Presented) The method of claim 1, wherein the solution set includes a plurality of pairs of airports and a plurality of airfares for travel between the respective pairs of airports.

33.   (Previously Presented) The method of claim 1, wherein the solution set includes a departure airport and a plurality of destination airports, and an airfare for travel between the departure airport and each of the plurality of destination airports.

34.   (Previously Presented) The method of claim 1, wherein the travel related criteria includes a maximum airfare, wherein the information server determines a solution set based on the maximum airfare, the solution set including at least one pair of airports with an associated airfare no greater than the maximum airfare.

35.   (Previously Presented) The system of claim 7, wherein the solution set includes a plurality of pairs of airports and a plurality of airfares for travel between the respective pairs of airports.

36.   (Previously Presented) The system of claim 7, wherein the solution set includes a departure airport and a plurality of destination airports, and an airfare for travel between the departure airport and each of the plurality of destination airports.

37.   (Previously Presented) The system of claim 7, wherein the travel related criteria includes a maximum airfare, wherein the information server determines a solution set based on the maximum airfare, the solution set including at least one pair of airports with an associated airfare no greater than the maximum airfare.

38.   (Previously Presented) The travel information system of claim 8, wherein the solution set includes a plurality of pairs of airports and a plurality of airfares for travel between the respective pairs of airports.

39.   (Previously Presented) The travel information system of claim 8, wherein the solution set includes a departure airport and a plurality of destination airports, and an airfare for travel between the departure airport and each of the plurality of destination airports.

40.   (Previously Presented) The travel information system of claim 8, wherein the travel related criteria includes a maximum airfare, wherein the information server determines a solution set based on the maximum airfare, the solution set including at least one pair of airports with an associated airfare no greater than the maximum airfare.

EVIDENCE APPENDIX

No evidence has been submitted to the Examiner or relied upon by the Applicant.

RELATED PROCEEDINGS APPENDIX

There are no decisions by a court of the Board in related proceedings.